



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

BOUCHARD, et al.

Group Art Unit: 1811

Appln. No.: 08/786,937

Examiner: Delacroix-Muirheid

Filed: January 22, 1997

FOR: LHRH-ANTAGONISTS IN THE  
TREATMENT OF FERTILITY DISORDERS

\* \* \* \* \*

DECLARATION

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I, Klaus Diedrich, hereby declare and state as follows:

1. I am an Inventor on Patent Application No. 08/786,937.

I am also an author on the following publication:

Felderbaum, R.E., Reissmann, T., Kuepker, W., Bauer,  
O., Al Hasani, S., Diedrich, C. and Diedrich, K. (1995)  
Preserved pituitary response under ovarian stimulation  
with HMG and GnRH antagonists (Cetrorelix) in women  
with tubal infertility. *European Journal of Obstetrics  
and Gynecology and Reproductive Biology* 61:151-155.

2. I am familiar with the Office Action of December 1, 1997  
in Patent Application No. 08/786,937. In the Office Action,  
claims 1-14 were rejected under 35 U.S.C. § 103 as allegedly

BOUCHARD et al. -- Appln. No.: 08/786,937

being obvious over Diedrich et al. (Human Reproduction 9(5): 788-791, 1994) in combination with the above-listed publication.

3. Philippe Bouchard, Rene Frydman, Paul Devroey, Jurgen Engel and I are the sole inventors of the subject matter disclosed and claimed in U.S. Patent Application Serial No. 08/786,937, certain aspects of which may be described in *European Journal of Obstetrics and Gynecology and Reproductive Biology* 61:151-155. The coauthors of this publication, R.E. Felberbaum, T. Reissmann, W. Kuepker, O. Bauer, S. Al Hasani, and C. Diedrich, had no role in the conception of the invention or the design of the methods for treating fertility disorders exemplified and claimed in Application No. 08/786,937.

4. R.E. Felberbaum, T. Reissmann, W. Kuepker, O. Bauer, S. Al Hasani, and C. Diedrich contributed technical help in carrying out various aspects of the studies described in *European Journal of Obstetrics and Gynecology and Reproductive Biology* 61:151-155, and did not take part in the inventive steps leading to the claimed methods.

5. Named coinventors of the present application Philippe Bouchard, Rene Frydman, Paul Devroey, and Jurgen Engel are not listed as coauthors because they were not directly involved in the conduction of this particular study.

BOUCHARD et al. -- Appln. No.: 08/786,937

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date:

20.2.98

By:

